

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 13

June 9, 2011

SUBJECT: CHARGED-BASED EVIDENCE DISPOSITION - REVISED

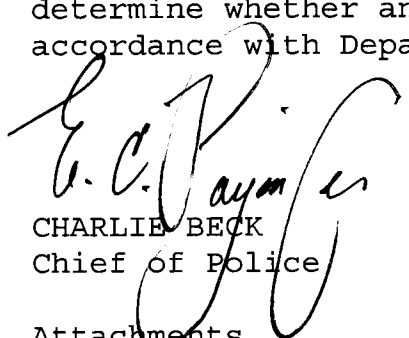
PURPOSE: This Order revises Section 4/550.12, *Charge-Based Evidence Disposition* of the Department Manual.

PROCEDURE: Attached is the revised Department Manual Section for *Charge-Based Evidence Disposition* with revisions indicated in italics, and a Charge-Based Evidence Disposition reference sheet. The subsection *Transfer of Investigative Responsibility* under Manual Section 4/550.12 is revised to clarify the protocols for the transfer of evidence when conducting follow-up investigations and determining the disposition of evidence booked in connection with these investigations and arrests. In addition, this Order clarifies the Narcotics Enforcement Detail's responsibility for the follow-up investigation and disposition of property.

AMENDMENTS: This Order amends Section 4/550.12 of the Department Manual.

MONITORING RESPONSIBILITY: The Chief of Detectives, Detective Bureau, shall have monitoring responsibility for this directive.

AUDIT RESPONSIBILITY: The Commanding Officer, Internal Audits and Inspections Division, shall review this directive and determine whether an audit or inspection shall be conducted in accordance with Department Manual Section 0/080.30.



CHARLIE BECK
Chief of Police

Attachments

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550.12 CHARGE-BASED EVIDENCE DISPOSITION. The investigative unit having responsibility for the filing of a booking charge shall also be responsible for filing any additional charges for which prima facie evidence exists in the arrest report. However, if another Department entity is better suited to handle the follow-up investigation and subsequent disposition of property, that responsibility may be transferred after mutual agreement. The following procedures shall be adhered to when conducting follow-up investigations and determining the disposition of evidence booked in connection with investigations and arrests.

Investigations and Arrests by Investigative Personnel. Investigating officers (*I/Os*) including *Area Narcotics Enforcement Detail*, who book evidence as a result of an arrest, investigation, or for any other reason shall be responsible for the follow-up investigation and disposition of that evidence.

The *I/O* shall confer with any other Department entity handling a case involving the booked property to determine the responsibility for the disposition of the property. If *none*, the *I/O* shall confer with the Department entity having sufficient expertise *and* determine if that entity will assume the responsibility for the follow-up investigation and disposition of the property. *If none, the I/O will retain responsibility for the follow-up investigation and disposition of that property.*

Note: The concerned *I/O* shall continue to be responsible for obtaining an approved Court Order for Search Warrant Property, Form 10.18.00, prior to authorizing the disposition of evidence seized pursuant to a search warrant (4/565.10).

Felony Investigations and Arrests by Uniformed or Non-Investigative Personnel. The responsibility for the follow-up investigation and authorization of evidence disposition is determined by the booking charge. Reports shall be distributed to any division handling a case which involves the booked evidence.

Follow-up investigation and evidence disposition responsibilities for felony cases are as follows:

- **Adults or Juveniles Booked on a Felony Non-Narcotics Charge:** The follow-up investigation and disposition of all evidence in all cases for which an adult or juvenile arrestee was booked on a felony non-narcotics charge (except those cases handled by traffic or specialized detective divisions or any other Department entity responsible for the follow-up investigation of felony crimes) shall be the responsibility of the concerned Area detectives. If the arrest involves additional narcotics charges, the concerned Area detectives shall also file related narcotics charges and perform related investigations and dispositions of evidence.
- **Adults Booked on a Felony Narcotics Charge:** The follow-up investigation and disposition of all evidence for which an adult arrestee was booked on a felony narcotics charge shall be the responsibility of *Gang and Narcotics Division (GND)*. *Gang and Narcotics Division* shall also file non-narcotics charges for which prima facie evidence exist in the arrest report and perform the related investigation and the disposition of evidence.

Note: Prior to filing non-narcotics charges, *GND* detectives shall contact each detective division which is currently handling a case involving the booked property or which may be interested in developing a case involving the property. If no other entity is handling a case involving the booked property, the *I/O* shall confer with the Department entity having sufficient expertise to determine if that entity will assume the responsibility for the follow-up investigation and disposition of property.

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Juveniles Booked on a Felony Narcotics Charge: The follow-up investigation and disposition of all evidence for which a juvenile arrestee was booked on a felony narcotics charge shall be the responsibility of the concerned Area detectives. The concerned Area detectives shall also file non-narcotics charges for which prima facie evidence exists in the arrest report.

Adults and Juveniles Booked Together on a Felony Narcotics Charge: The follow-up investigation and disposition of all evidence in cases involving adults and juveniles arrested together shall be handled by the concerned Area detectives.

Misdemeanor Investigations and Arrests by Uniformed or Non-Investigative Personnel. Authorization for the disposition of evidence for misdemeanor cases, including felony cases filed as misdemeanors, shall be the responsibility of the concerned PDC.

Note: The GND PDC shall be responsible for 11550 H&S (Being Under-the-Influence of Controlled Substances) misdemeanor evidence. The concerned Area detectives PDC shall be responsible for juvenile misdemeanor narcotics arrests. Juvenile Division shall be responsible for child abuse-related evidence for assigned cases.

Transfer of Investigative Responsibility. When the follow-up investigation is outside the I/O's area of expertise, the responsibility for the follow-up investigation may be transferred. The commanding officer of the original I/O shall confer with the commanding officer of the entity having expertise regarding the transfer of responsibility for follow-up investigation and subsequent property disposition.

When the responsibility for the follow-up investigation and disposition of property is transferred from one division to another, the commanding officer of the transferring division shall ensure that a Follow-up Investigation, Form 03.14.00, is completed. One copy of the Form 03.14.00 shall be kept in the concerned case package at the original division, one copy shall be forwarded to the receiving division's I/O, one copy to the assuming division's PDC, and one copy to the transferring division's PDC.

When an I/O assumes investigative responsibility for a case in which property has been booked under **another division's DR number**, the I/O shall ensure that the Primary Investigative Unit (PIU) responsibility in the Automated Property Information Management System is transferred to the *assuming I/O's* division. The *assuming division's I/O* shall notify his/her PDC who shall "Reroute" the concerned DR number to the *assuming I/O's* division. *Once the PIU responsibility has been transferred, the PDC should place an "Investigative Hold" on the property. The PDC shall use the assuming division's I/O's serial number to authorize the Investigative Hold. This automatically updates the "Related Employee" section with the assuming I/O's information.*

If the entity with expertise elects not to conduct the follow-up investigation, the originator shall complete a *Detective's Case Progress Log*, Form 01.44.00, documenting such, including the declining officer's name, serial number, and unit of assignment. The original entity shall then maintain responsibility for the follow-up investigation and property disposition.

Charge-Based Evidence Disposition: 4/550.12

